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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct

FALLS CHURCH, Va. – The Executive Office for Immigration Review (EOIR) has recently taken certain disciplinary action against six attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners. Disciplinary proceedings against one attorney were set aside. Another attorney's proceedings were terminated. The Rules of Professional Conduct appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin with a Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS). The BIA requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the immigration courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS. Disciplined attorneys must petition and be reinstated by the BIA before they can resume the practice of law before the BIA, the immigration courts, and the DHS.

Immediate Suspension

The BIA ordered the immediate suspension of the following attorneys:

- **Keith G. Jordan:** He was suspended from the practice of law for 9 months by the Supreme Court of California for incompetence, failure to return unearned fees, and failure to communicate with his clients. He was immediately suspended by the BIA on July 20, 2007, based on his suspension in California, pending final disposition of his case.

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- **Michael Ozulumba:** He was suspended from the practice of law for 2 years by the Supreme Judicial Court for Suffolk County, Massachusetts, for multiple violations of the rules of professional conduct, including incompetence, lack of diligence, and engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation. He was immediately suspended by the BIA on July 20, 2007, based on his suspension in Massachusetts, pending final disposition of his case.

Final Orders of Discipline

- **Kemakolan Comas:** A final order of July 20, 2007, expels him from practice before immigration tribunals, effective March 1, 2005, based on his suspension in New York for multiple violations of the rules of professional conduct, including misappropriation of funds, falsely backdating documents, and engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation.
- **David Smith Nunes:** A final order of July 20, 2007, suspends him from practice before immigration tribunals for 3 years, effective May 22, 2007, based on his 3-year suspension in Florida for engaging in conduct that is prejudicial to the administration of justice, engaging in an act that is unlawful or contrary to honesty and justice, and lack of competency.
- **Kenneth R. Sheehan:** A final order of July 20, 2007, suspends him from practice before immigration tribunals for 3 years, effective March 16, 2007, based on his disbarment in Nevada for multiple violations of the rules of professional conduct involving dishonesty, fraud, deceit, and misrepresentation.
- **Gary Anthony Siplin:** A final order of July 20, 2007, suspends him indefinitely from practice before immigration tribunals, effective Jan. 30, 2007, based on his indefinite suspension in Florida and his criminal conviction for grand theft and use of services of officers or employees.

A motion to set aside was granted in the following case:

- **Elizabeth Cohen:** She filed a motion to set aside the BIA's May 23, 2007, final order expelling her based on her 2-year suspension in New York for offering false evidence in conjunction with an application filed with the USCIS, DHS. She argued that she failed to file a timely answer to the allegations contained in the Notice of Intent to Discipline because she did not receive the Notice of Intent to Discipline in time. The BIA granted her motion on July 20, 2007, vacated its decision of May 23, 2007, and gave her 30 days to submit an answer to the charges in the Notice of Intent to Discipline.

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The BIA issued an appellate decision in the following case:

- **Avelino G. Halagao:** He filed an appeal of the adjudicating official's Oct. 10, 2006, order expelling him from practice before immigration tribunals for engaging in a willful misrepresentation when he participated in presenting false testimony and false information related to an asylum case before an asylum officer and thereafter before an Immigration Judge. The BIA reversed the adjudicating official's Oct 10, 2006, decision and terminated disciplinary proceedings in this case.

Background

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rules also authorize the BIA to suspend immediately a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a federal or state court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR website at http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf.

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent clients in any matter before an immigration tribunal. EOIR also posts a "List of Disciplined Practitioners" on its website at <http://www.usdoj.gov/eoir/profcond/chart.htm>. In an effort to provide more detailed information about individual attorney discipline cases, every new immediate suspension or final order issued beginning June 27, 2005, can be accessed through this list by clicking on the highlighted "date" link. Links to older orders, issued since July 2000, will be included gradually.

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR website.

– EOIR –

EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases, the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions, and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.

Information about EOIR immigration proceedings is available on EOIR's website <http://www.usdoj.gov/eoir/press/subject.htm>.